

1 AN ACT concerning energy efficiency.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Energy Efficient Commercial Building Act is  
5 amended by changing Sections 1, 5, 10, 15, 20, and 45 as  
6 follows:

7 (20 ILCS 3125/1)

8 Sec. 1. Short title. This Act may be cited as the Energy  
9 Efficient ~~Commercial~~ Building Act.

10 (Source: P.A. 93-936, eff. 8-13-04.)

11 (20 ILCS 3125/5)

12 Sec. 5. Findings.

13 (a) The legislature finds that an effective energy  
14 efficient ~~commercial~~ building code is essential to:

15 (1) reduce the air pollutant emissions from energy  
16 consumption that are affecting the health of residents of  
17 this State;

18 (2) moderate future peak electric power demand;

19 (3) assure the reliability of the electrical grid and  
20 an adequate supply of heating oil and natural gas; and

21 (4) control energy costs for residents and businesses  
22 in this State.

1 (b) The legislature further finds that this State has a  
2 number of different climate types, all of which require energy  
3 for both cooling and heating, and that there are many  
4 cost-effective measures that can reduce peak energy use and  
5 reduce cooling, heating, lighting, and other energy costs in  
6 ~~commercial~~ buildings.

7 (Source: P.A. 93-936, eff. 8-13-04.)

8 (20 ILCS 3125/10)

9 Sec. 10. Definitions.

10 "Board" means the Capital Development Board.

11 "Building" includes both residential buildings and  
12 commercial buildings.

13 "Code" means the latest published edition of the  
14 International Code Council's International Energy Conservation  
15 Code, excluding published supplements but including the  
16 adaptations to the Code that are made by the Board.

17 "Commercial building" means any building except a building  
18 that is a residential building, as defined in this Section.

19 "Department" means the Department of Commerce and Economic  
20 Opportunity.

21 "Municipality" means any city, village, or incorporated  
22 town.

23 "Residential building" means a building containing one or  
24 more dwelling units, not exceeding 4 stories above grade, where  
25 occupants are primarily permanent. ~~(i) a detached one family or~~

1 ~~2-family dwelling or (ii) any building that is 3 stories or~~  
2 ~~less in height above grade that contains multiple dwelling~~  
3 ~~units, in which the occupants reside on a primarily permanent~~  
4 ~~basis, such as a townhouse, a row house, an apartment house, a~~  
5 ~~convent, a monastery, a rectory, a fraternity or sorority~~  
6 ~~house, a dormitory, and a rooming house.~~

7 (Source: P.A. 93-936, eff. 8-13-04; 94-815, eff. 5-26-06.)

8 (20 ILCS 3125/15)

9 Sec. 15. Energy Efficient Building Code. The Board, in  
10 consultation with the Department, shall adopt the Code as  
11 minimum requirements for commercial buildings, applying to the  
12 construction of, renovations to, and additions to all  
13 commercial buildings in the State. The Board, in consultation  
14 with the Department, shall also adopt the Code as the minimum  
15 and maximum requirements for residential buildings, applying  
16 to the construction of all residential buildings in the State,  
17 except as provided for in Section 45 of this Act. The Board may  
18 appropriately adapt the International Energy Conservation Code  
19 to apply to the particular economy, population distribution,  
20 geography, and climate of the State and construction therein,  
21 consistent with the public policy objectives of this Act.

22 (Source: P.A. 93-936, eff. 8-13-04.)

23 (20 ILCS 3125/20)

24 Sec. 20. Applicability.

1           (a) The Board shall adopt the Code within 9 months after  
2 its publication. The Code shall take effect within 3 months ~~one~~  
3 ~~year~~ after it is adopted by the Board and shall apply to any  
4 new ~~commercial~~ building or structure in this State for which a  
5 building permit application is received by a municipality or  
6 county, except as otherwise provided by this Act. In the case  
7 of any addition, alteration, renovation, or repair to an  
8 existing commercial structure, the Code adopted under this Act  
9 applies only to the portions of that structure that are being  
10 added, altered, renovated, or repaired.

11           (b) The following buildings shall be exempt from the Code:

12           (1) Buildings otherwise exempt from the provisions of a  
13 locally adopted building code and buildings that do not  
14 contain a conditioned space.

15           (2) Buildings that do not use either electricity or  
16 fossil fuel for comfort conditioning. For purposes of  
17 determining whether this exemption applies, a building  
18 will be presumed to be heated by electricity, even in the  
19 absence of equipment used for electric comfort heating,  
20 whenever the building is provided with electrical service  
21 in excess of 100 amps, unless the code enforcement official  
22 determines that this electrical service is necessary for  
23 purposes other than providing electric comfort heating.

24           (3) Historic buildings. This exemption shall apply to  
25 those buildings that are listed on the National Register of  
26 Historic Places or the Illinois Register of Historic

1 Places, and to those buildings that have been designated as  
2 historically significant by a local governing body that is  
3 authorized to make such designations.

4 (4) (Blank). ~~Residential buildings.~~

5 (5) Other buildings specified as exempt by the  
6 International Energy Conservation Code.

7 (c) Additions, alterations, renovations, or repairs to an  
8 existing building, building system, or portion thereof shall  
9 conform to the provisions of the Code as they relate to new  
10 construction without requiring the unaltered portion of the  
11 existing building or building system to comply with the Code.  
12 The following need not comply with the Code, provided that the  
13 energy use of the building is not increased: (i) storm windows  
14 installed over existing fenestration, (ii) glass-only  
15 replacements in an existing sash and frame, (iii) existing  
16 ceiling, wall, or floor cavities exposed during construction,  
17 provided that these cavities are filled with insulation, and  
18 (iv) construction where the existing roof, wall, or floor is  
19 not exposed.

20 (d) A unit of local government that does not regulate  
21 energy efficient building standards is not required to adopt,  
22 enforce, or administer the Code; however, any energy efficient  
23 building standards adopted by a unit of local government must  
24 comply with this Act. If a unit of local government does not  
25 regulate energy efficient building standards, any  
26 construction, renovation, or addition to buildings or

1 structures is subject to the provisions contained in this Act.

2 (Source: P.A. 93-936, eff. 8-13-04.)

3 (20 ILCS 3125/45)

4 Sec. 45. Home rule. Except as otherwise provided in this  
5 Section, no ~~No~~ unit of local government, including any home  
6 rule unit, may regulate energy efficient building standards for  
7 commercial buildings in a manner that is less stringent than  
8 the provisions contained in this Act.

9 Except as otherwise provided in this Section, no unit of  
10 local government, including any home rule unit, may regulate  
11 energy efficient building standards for residential buildings  
12 in a manner that is either less or more stringent than the  
13 standards established pursuant to this Act. However, a  
14 municipality with a population of 1,000,000 or more may  
15 regulate energy efficient building standards for residential  
16 buildings in a manner that is more stringent than the standards  
17 established pursuant to this Act.

18 Except as otherwise provided in this Section, no unit of  
19 local government, including any home rule unit, may hereafter  
20 enact any annexation ordinance or resolution, or require or  
21 enter into any annexation agreement, that imposes energy  
22 efficiency building standards for residential buildings that  
23 are either less or more stringent than the energy efficiency  
24 standards in effect throughout the unit of local government,  
25 including a unit of local government that is subject to State

1 regulation under the Code as provided in Section 15 of this  
2 Act, at the time of construction.

3 Any unit of local government that has adopted, on or before  
4 the effective date of this amendatory Act of the 96th General  
5 Assembly, efficiency standards at least as stringent as the  
6 2006 International Energy Conservation Code may continue to  
7 regulate energy efficient building standards under that Code.

8 This Section is a denial and limitation of home rule powers  
9 and functions under subsection (i) of Section 6 of Article VII  
10 of the Illinois Constitution on the concurrent exercise by home  
11 rule units of powers and functions exercised by the State.  
12 Nothing in this Section, however, prevents a unit of local  
13 government from adopting an energy efficiency code or standards  
14 for commercial buildings that are more stringent than the Code  
15 under this Act.

16 (Source: P.A. 93-936, eff. 8-13-04.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.